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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2012-96**

12 **DONNA ANNE TREMAINE**
13 **P.O. Box 173**
Bridgeport, CA 93517

ACCUSATION

14 **Registered Nurse License No. 644337**

15 Respondent.

16
17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 2. On or about September 3, 2004, the Board issued Registered Nurse License
22 Number 644337 to Donna Anne Tremaine ("Respondent"): The license was in full force and
23 effect at all times relevant to the charges brought herein. The license expired on March 31, 2010,
24 and has not been renewed.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline)

3 7. Respondent is subject to discipline under Code section 2761(a)(4), in that effective
4 September 15, 2010, pursuant to a Final Order approving the Stipulation for Suspension of
5 CRNA¹ Certificate and Suspension and Probation of Registered Nurse License, attached hereto as
6 **Exhibit A**, issued by the Oregon State Board of Nursing in a disciplinary matter titled, *In the*
7 *Matter of Donna Anne Tremaine, RN, CRNA, License No. 098000483RN, Certificate*
8 *No. 200760027CRNA, Case No. 08-485*, Respondent's Registered Nurse License
9 Number 098000483RN was suspended for sixty (60) days and placed on probation for two (2)
10 years. In addition, Respondent's CRNA Certificate Number 200760027543314 was suspended
11 for a minimum of two (2) years. The Final Order was based on the following: 1) Respondent's
12 derogatory conduct to the standards of nursing; 2) Respondent committed fraud or deceit in the
13 practice of nursing or in the admission to such practice; 3) Respondent committed fraud or
14 misrepresentation in applying for or procuring a license or renewal; 4) Respondent developed,
15 modified, or implemented standards of nursing practice/care which jeopardized patient safety;
16 5) Respondent failed to conform to the essential standards of acceptable and prevailing nursing
17 practice; 6) Respondent practiced nursing when her physical or mental ability to practice was
18 impaired by use of drugs, alcohol or mind-altering substances; 7) Respondent failed to answer
19 truthfully and completely questions asked by the Board on an application for licensure or during
20 the course of an investigation or any other question asked by the Board; and 8) Respondent failed
21 to report to the Board her arrest or convictions of crimes which relate to the practice of nursing or
22 the ability to safely practice nursing. The Notice of Proposed Revocation of Registered Nurse
23 License and CRNA Certificate is attached hereto as **Exhibit B**.

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28 ¹ Certified Registered Nurse Anesthetist ("CRNA")

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 644337, issued to Donna Anne Tremaine;

2. Ordering Donna Anne Tremaine to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: August 11, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit A
Final Order approving Stipulation for Suspension
CRNA Certificate and Suspension and Probation
of Registered Nurse License

BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON

In the Matter of	)	FINAL ORDER
Donna Anne Tremaine, RN, CRNA)	
License No: 098000483RN)	
Certificate No: 200760027CRNA	)	Case No: 08-485

The Oregon State Board of Nursing (Board) is the state agency responsible for certifying, regulating and disciplining certain health care providers, including registered nurses and Certified Registered Nurse Anesthetists (CRNA's), in the State of Oregon. Donna Anne Tremaine received her Registered Nurse license by examination in Oregon on July 15, 1998 and her CRNA certificate by application on September 6, 2007.

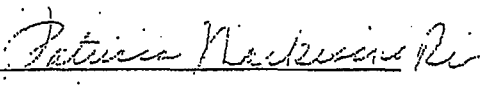
This Matter was considered by the Board on September 15, 2010. Donna Anne Tremaine did not appear personally. The issue for the Board was whether to approve the Stipulation for Suspension of Donna Anne Tremaine's CRNA certificate and Suspension and Probation of Ms. Tremaine's Registered Nurse License, signed by Ms. Tremaine on September 9, 2010 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Donna Anne Tremaine on September 9, 2010, be approved and by this reference incorporated herein, and it is further

ORDERED that the Board accept the Stipulation for Suspension of the CRNA certificate and Suspension and Probation of the Registered Nurse License of Donna Anne Tremaine RN, CRNA as set forth in the Stipulation, and that the Stipulation for Suspension and Probation be adopted.

DATED this 15 day of September 2010.


Patricia Markesino, RN
Board President

BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON.

In the Matter of	)	STIPULATION FOR
	)	SUSPENSION OF
	)	CRNA CERTIFICATE
	)	AND
	)	SUSPENSION AND
	)	PROBATION
Donna Anne Tremaine, RN, CRNA	)	OF REGISTERED NURSE
License No. 098000483RN	)	LICENSE
Certificate No. 200760027CRNA	)	Case No. 08-485

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensure and regulation of registered nurses and Certified Registered Nurse Anesthetists (CRNA) in the state of Oregon.

Donna Ann Tremaine (Licensee) is a Registered Nurse and CRNA in Oregon. Licensee graduated from Oregon Health Sciences University with a Bachelors Degree in Nursing in 1998, and received her Registered Nurse License by examination in Oregon on July 15, 1998. Licensee graduated from Samuel Merritt College in 2007 with a Masters Degree in Nursing, and received her CRNA certificate by application on September 6, 2007. Licensee was employed as a CRNA at Kaiser NW Permanente from April 2007 until June 2008. Licensee came to the attention of the Board on June 1, 2008, when concerns that she was mentally unstable and abusing prescription medications were reported to the Board. According to the report, Licensee had been in two motor vehicle accidents, one in 1997 and one in 2002, resulting in head injuries. Licensee was prescribed narcotic medications as a result of injuries sustained in the accidents, and was allegedly using the medications inappropriately. The Board opened an investigation into the matter.

During a personal interview with Board staff, Licensee denied the allegations, stating that she was in a custody battle and that she believed these allegations to be an attempt to discredit her. She stated that she had not used narcotic medications since 2006, and had only used those medications as ordered by her physician for neck and back pain. Licensee stated that she had received a prescription in the spring of 2008 for a limited amount of Xanax to deal with anxiety, and that the prescription had expired. She denied seeing a mental health therapist, or that she had ever been referred to counseling. Licensee denied that any practice or patient concerns were brought to her attention during her period of employment as a CRNA.

According to Licensee's medical records at the time of the report, she was prescribed Methadone, Dextroamphetamine, and Oxycodone by DG, a neurologist in Portland. This provider, as well as a provider in California had regularly prescribed Licensee these medications since sometime in late 2006 or early 2007. The records also revealed that Xanax was prescribed to Licensee by various providers in 2007 and 2008, and Alprazolam from a California provider.

Donna Ann Tremaine Suspension- Probation Page 1 of 7

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in 2006 and 2007. In 2008, Licensee's primary care provider at provided her a mental health referral and authorization for counseling to help manage her anxiety.

On October 3, 2008, Licensee agreed to sign an Interim Order by Consent, voluntarily removing herself from practice until further Order of the Board.

In January 2009, Licensee completed a neuro-psychological and chemical dependency evaluation with Dr. Leslie Carter Ph.D. According to the report received by the Board on June 9, 2009, Licensee received no mental health or chemical dependency diagnosis.

On April 19, 2009, Licensee was arrested for shoplifting and charged with Theft-2. Licensee allegedly stole \$192.00 worth of items from Whole Foods Market. Licensee denies she intentionally removed the items from the store. The charges against Licensee were dismissed without prejudice on July 15, 2009.

On September 10, 2009, Licensee was arrested by the Washington County Sheriff's office for one count of Theft -3. She was convicted of the charges on November 20, 2009, and placed on probation.

Licensee reported that she moved to California for a period of time in 2009-2010, and received care from MV, a Nurse Practitioner. She was treated for Depression, Anxiety and Insomnia. According to her medical records MV tapered and discontinued Licensee's prescription for Dextroamphetamines, recommended counseling and prescribed Xanax for Anxiety. MV further recommended that Licensee be weaned off of Methadone following review of her medical records.

On July 1, 2010, Licensee established care with Oregon Health Sciences University (OHSU) Comprehensive Pain Center. She received an evaluation by Dr. Grace Chen. Licensee stated that she had discontinued the use of her previously prescribed medications. She stated that she was currently prescribed Tramadol for back pain and Xanax for anxiety.

Licensee reported that she had been prescribed several different medications over the years to manage her pain, and that she wanted to wean herself off of all opioid medications. She stated that it was her goal to only use non-narcotic pain management modalities. Following the evaluation, she was assigned diagnoses of "Low back pain and anxiety".

Licensee's treatment plan and recommendations included physical activity, including swimming and stretching, continued use of Tramadol for pain. It was recommended that she continue to use Xanax for anxiety for only a short period of time, with the recommendation that Licensee see a psychiatrist for further evaluation and prescriptions related to her diagnosis of anxiety.

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On July 26, 2010, Licensee met with Board staff to discuss her licensure status. Licensee acknowledged that she had failed to be truthful and honest with the Board during the course of the investigation. Licensee took responsibility for her actions and expressed remorse for her behavior. She stated that she has received regular mental health counseling which has assisted her in coming to terms with her personal issues. Licensee provided documentation verifying mental health counseling, along with a letter of recommendation from her counselor attesting to her progress and mental stability.

On July 26, 2010, Licensee completed a twelve panel urine drug screen which was negative for all substances with the exception of Tramadol. On August 20, 2010, Licensee attended a follow up appointment with OHSU Comprehensive Pain Management Center. She was assigned the diagnosis of Opioid dependence, prescribed Clonidine to assist in discontinuing the use of Tramadol, and signed a pain management contract.

The above conduct constitutes a violation of the provisions of ORS 678.111 (1) (d) and (f); and OAR 851-045-0015 (4) (b) and (7) (b); and OAR 851-052-0100 (1) which provide as follows:

ORS 678.111 Causes for denial, revocation, suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(d) Fraud or deceit of the licensee in the practice of nursing or in admission to such practice.

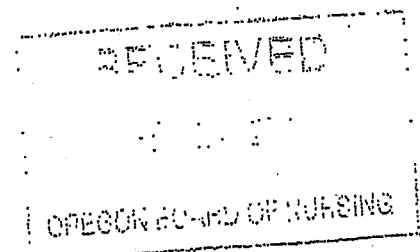
(f) Conduct derogatory to the standards of nursing.

(2) A certificate of special competence may be denied or suspended or revoked for the reasons stated in subsection (1) of this section.

OAR 851-045-0015 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(4) Conduct related to achieving and maintaining clinical competency.



(b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

(7) Conduct related to the licensee's relationship with the Board:

(b) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or during the course of an investigation or any other question asked by the Board.

OAR 851-052-0100 Disciplinary action on CRNA License

(1) The Board may deny, suspend or revoke the authority of a CRNA to administer anesthesia agents, including adjuvant drugs, for the causes identified in ORS 678.111 (1).

Licensee admits to the above violations and wishes to cooperate with the Board in resolving the present disciplinary matter. Therefore, the following will be proposed to the Board and is agreed to by Licensee:

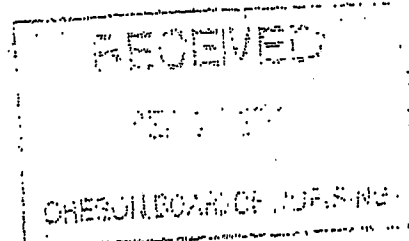
That the CRNA certificate of Donna Ann Tremaine shall be suspended for a minimum of two years, beginning at the time of reinstatement of her Registered Nurse license. After a minimum period of two years, Donna Ann Tremaine may petition the Board for reinstatement of her CRNA certificate. Should the Board grant Ms. Tremaine reinstatement of her CRNA certificate, she would be subject to any additional terms and conditions required by the Board.

That the Registered Nurse License of Donna Ann Tremaine be Suspended for a period of 60 days, which shall be deemed satisfied by the time served on Licensee's Interim Consent Order, followed by a period of monitoring by the Oregon State Board of Nursing. That Licensee will be placed on probation for a two-year period in her practice as a Registered Nurse. Probation shall commence upon signature of the Final Order by the Board President. The licensee will begin accruing hours of practice towards the probationary period only when Licensee is actually employed and while practicing nursing as a licensed Registered Nurse. Probation will be contingent on practicing at the minimum level of a Registered Nurse. Licensee must practice a minimum of 80 hours each month of probation in a setting where a Registered Nurse or comparable person directly supervises her.

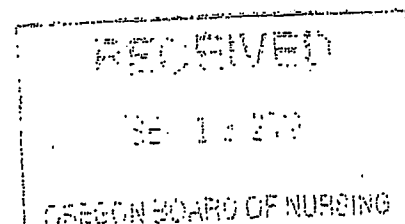
Licensee must comply with the following terms and conditions of probation:

1. She shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. She shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.

Donna Ann Tremaine Suspension - Probation Page 4 of 7



3. She will not look for, accept, or begin a new nursing position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
4. She shall notify the Board of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
5. She shall present herself, in person, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and may be revised periodically at the discretion of Board staff. A telephone interview may be substituted for a personal interview at the discretion of Board staff.
6. She shall inform current and prospective employers of the probationary status of her license, the reasons for her probation, and terms and conditions of probation.
7. The Nurse Executive or comparable person will receive copies of the Stipulation for Probation and Board Order when Licensee is employed.
8. Licensee shall be employed only in settings in which the Nurse Executive, or comparable person, agrees to submit to the Board written evaluations, on forms provided by it, of her work performance at least every three (3) months during the probationary period. Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of Licensee's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding Licensee's work-related conduct or personal behavior that may affect her ability to practice nursing.
9. She shall be employed only in settings in which she receives direct supervision from a registered nurse and not be employed by a temporary staffing agency during the probationary period unless that agency can provide written evidence to the Board that Licensee will not be assigned to multiple facilities.
10. Licensee shall abstain from the use of all psychoactive, prescription-controlled or intoxicating substances, including alcohol, during the period of probation. She may take medication for a documented medical condition, if she obtains such medication only by legal prescription written by a person authorized by law to write such prescriptions. She will notify the Board within 72 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her medical condition. She shall produce the medical records pertaining to the medical condition and



medication use.

11. Licensee shall establish care with a single physician or pain management clinic for prescription medications. Licensee shall comply with all treatment and medication recommendations of her medical provider. Licensee shall sign a release of information with all medical providers during the period of her Probation, allowing the Board to have written and verbal communication with all of her providers.
12. Licensee shall engage in regularly scheduled mental health treatment with licensed provider(s) during the period of her probation. Licensee shall complete all treatment recommendations, and follow all medication regimes as recommended by her mental health and/or medical provider for the treatment of mental health issues. Licensee shall sign a release of information with all mental health providers during the period of her Probation, allowing the board to have written and verbal communication with her providers.
13. Licensee shall cease the practice of nursing upon the recommendation of her mental health and/or medical provider, or at the request of the probation coordinator if reports of inappropriate behavior or practice concerns from co-workers or her employer are received by the Board. The practice of nursing may resume when approved by the probation coordinator, in consultation with her medical/mental health provider and/or Licensee's employer.
14. Licensee shall make contact with a Board approved drug testing service, sign a contract with the testing service and remain in compliance with all terms and conditions of such contract. Licensee shall, immediately upon the request of Board staff, or that of her employer, submit to tests to determine the presence of unauthorized substances in her bodily system. The presence of unauthorized substances will be considered a violation of the terms and conditions of this Order. Licensee shall sign any release of information necessary to insure the Board will receive the results of such testing.
15. Licensee is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the stipulation.
16. Licensee shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

Licensee understands that the conduct resulting in the violations of law, described in this Stipulation are considered by the Board to be of a serious nature and if continued, constitute a danger to public health and safety.

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Licensee also understands that in the event she engages in future conduct resulting in violations of the law, or terms of probation the Board may make further disciplinary action against her nursing license, up to and including revocation of her license to practice nursing.

Licensee understands that the Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Licensee understands that by entering into the stipulated agreement, she waives the right to an administrative hearing.

Licensee states no promises, representation, duress, or coercion have been used to induce her to sign the Stipulation.

Licensee has read this Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

Dated this 9th day of September, 2010.

Donna Ann Tremaine RN, CRNA
Donna Ann Tremaine, RN, CRNA

FOR THE OREGON STATE BOARD OF NURSING

Marilyn Hudson
Marilyn Hudson RN, MSN, CNS, FRE
Investigation Manager (Interim)
Investigation Department

Michelle Standridge BSN RN
Michelle Standridge, BSN, RN
Nurse Investigator
Investigation Department

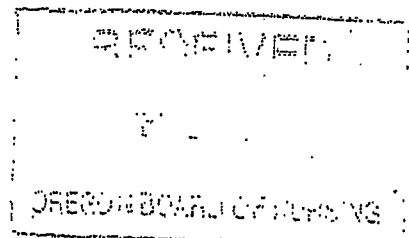


Exhibit B
Notice of Proposed Revocation of Registered Nurse
License and CRNA Certificate

BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON

In the Matter of	)	NOTICE OF PROPOSED
	)	REVOCATION OF
Donna Anne Tremaine, RN, CRNA	)	OF REGISTERED NURSE
License No. 098000483RN	)	LICENSE and CRNA
	)	CERTIFICATE
Certificate No. 200760027CRNA	)	Case No. 08-485

TO: Donna Anne Tremaine, RN, CRNA

The Oregon State Board of Nursing proposes to revoke your Certified Registered Nurse Anesthetist Certificate and Registered Nurse License on the following grounds:

I

You graduated from Oregon Health Sciences University with a Bachelors Degree in Nursing in 1998, and received your Registered Nurse License by examination in Oregon on July 15, 1998. You graduated from Samuel Merritt College in 2007 with a Masters Degree in Nursing, and received your CRNA certificate by application on September 6, 2007. You were employed as a CRNA at Kaiser NW Permanente from April 2007 until about June 2008. On or about June 1, 2008, it was reported to the Board that you were mentally unstable, and that were abusing prescription narcotic medications.

II

On or about February 7, 2007, you submitted an application for Re-Activation of your Registered Nurse License. You answered "no" to question number "1" on the application, which asks, "Do you have a physical, mental or emotional condition that in any way impairs your ability to practice nursing with reasonable skill and safety?" You answered "no" on question number "6" which asks "Do you use, or have you used in the last five years, chemical substance(s) in any way, which may impair or limit your ability to practice nursing with reasonable skill and safety? "Chemical Substance" includes alcohol and drugs".

III

On or about March 16, 2007, you submitted an application for Certified Registered Nurse Anesthetist License with limited License and (New Graduate-GRNA). You answered "no" to question number "1" on your CRNA application, which asks, "Do you have a physical, mental or emotional condition that in any way impairs your ability to perform NURSING duties with reasonable skill and safety?" You answered "no" to question number "8" which asks, "Do you use, or have you used in the last five years, chemical substance(s) in any way, which impairs or

limits your ability to perform as a nursing assistant with reasonable skill and safety? "Chemical Substance" includes alcohol and drugs".

IV

On or about July 28 2008, you attended a personal interview with Board staff. During your interview, you stated that you were not currently using any narcotic medications. You stated that you had not used narcotic medications since 2006, and had only used those medications as ordered by your physician for neck and back pain. You stated that you had received a prescription in the spring of 2008 for a limited amount of Xanax to deal with anxiety, and that the prescription had expired.

Based on a review of your medical records, it was found that at the time of your interview you were prescribed Methadone, Dextroamphetamine, and Oxycodone by a neurologist in Portland. This provider, as well as a provider in California had regularly prescribed you these medications, since late 2006 or early 2007.

V

During your interview with Board staff, you denied seeing a mental health therapist, and stated that no provider had ever referred you to counseling. A review of your medical records found that in February 2006, you saw Dr. Kallgren at Legacy Pain Clinic for a regularly scheduled Botox injection for treatment of your migraines. You reported to him that you were under tremendous stress from school and were experiencing panic attacks. Dr. Kallgren referred you to MT, PMHNP for care due to these concerns. In 2008, your primary care provider at Kaiser provided you with a mental health referral and authorization for counseling to help manage your anxiety in 2008.

VI

During your interview with Board staff, you stated that no patient concerns were brought to your attention during your period of employment as a CRNA at Kaiser. A review of your personnel file found that your period of employment as a CRNA with Kaiser, several physicians, nurses and CRNA staff expressed concerns about your critical thinking skills, your skill level and your inability to understand the concerns when brought to your attention by your supervisor. In May of 2008, you were placed on paid administrative leave pending an investigation into two issues during your rotation in the SYB unit.

VII

During your interview with Board staff, you stated none of your providers had ever expressed concerns to you regarding the use of controlled substances. On or about September 25, 2006, you met with Dr. Kalgren at Legacy Pain Clinic for medication management. Dr. Kallgren's

progress notes stated that he discussed your management of panic attacks during the visit. He noted that you minimized your use of the 30, 1 mg Ativan previously prescribed to you.

Dr. Kallgren further expressed concern that you were receiving fragmented care that he had been unaware that you had previously established care with another physician in California. He instructed you to have this physician take over your pain management. He further stated that he would be discontinuing his prescribing of narcotics for you following this visit.

VIII

On or about October 1, 2008, it was reported to the Board that you had begun employment with a staffing agency and had taken a locum tenum assignment at Herriston Hospital. You failed to report to the Board your current employment practice addressor addresses within 30 days as required. It was reported that during this assignment you used an inappropriate procedure when starting anesthesia on a patient. It was further reported that you appeared to be disorganized with your assessments and were not organized in your prep and set up. Staff requested that you not return to the facility for additional assignments.

IX

On or about October 3, 2008, you attended a second interview with Board staff. You admitted that you had been untruthful to the Board regarding your use of prescription medications at your interview with Board staff on July 28, 2008. You acknowledged that you were currently prescribed and taking Methadone, Oxycodone and Dextroamphetamines. You signed an Interim Order by Consent removing yourself from practice pending further order by the Board.

X

On or about October 30, 2008, the Board received a letter of concern from St. Anthony Hospital stating that you had been contracted to provide locum tenum coverage for the facility on November 3-7, and December 15-26, 2008. According to the Vice President of Patient Care Services, you did not notify either the staffing agency or the hospital that you would be unable to provide coverage after you signed the Interim Order by Consent.

XI

On or about November 27, 2008, you attended a psychological custody evaluation. You stated to the evaluator that you were not currently taking any prescription medication. The court evaluator determined that you had blatantly ignored the parenting schedule implemented by the court and that you had failed to facilitate your child's school attendance over the course of three years. Based on the results of the evaluation, on December 1, 2008, the court awarded legal custody of your minor daughter to your ex-husband.

XII

On or about April 19, 2009, you were arrested and charged with Theft-2. According to the arrest report, you allegedly stole about \$192.00 worth of items from the Whole Foods Market. You failed to report this arrest to the Board until you attended an interview on July 26, 2009.

When questioned about your arrest, you denied that you had intentionally stolen items from the market. The Board alleges that your statement to Board staff regarding your arrest was untruthful based on the police report, store security report and interviews related to your arrest.

XIII

On September 10, 2009, you were arrested by the Washington County Sherriff's office for one count of Theft -3. According to the arrest report, you allegedly stole a CD and a T-shirt from Target, valued at \$29.98. You failed to report this arrest to the Board.

The Board alleges that you have failed to provide truthful and honest answers to the Board upon application for licensure and throughout the course of an investigation. You have exhibited a pattern of deceptive and dishonest behavior, which is demonstrable to your ability to safely practice nursing. The Board alleges that by this behavior, you pose a significant threat to those you may encounter practicing as a CRNA and Registered Nurse. The aforementioned is grounds for discipline pursuant to provisions of ORS 678.111 (1) (c), (d), (f) and (g); and OAR 851-045-0070 (1) (a); (4) (b); (5) (c); (6) (e) and (7) (b); and OAR 851-045-0090 (6) (d) and OAR 851-052-0100 (1) which provide as follows:

ORS 678.111 Causes for denial, revocation, suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(c) Any willful fraud or misrepresentation in applying for or procuring a license or renewal thereof.

(d) Fraud or deceit of the licensee in the practice of nursing or in admission to such practice.

(f) Conduct derogatory to the standards of nursing.

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(g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(1) Conduct related to the client's safety and integrity:

(a) Developing, modifying, or implementing standards of nursing practice/care which jeopardize patient safety.

(4) Conduct related to achieving and maintaining clinical competency.

(b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

(5) Conduct related to impaired function:

(c) Practicing nursing when physical or mental ability to practice is impaired by use of drugs, alcohol or mind-altering substances.

(6) Conduct related to licensure or certification violations:

(e) Resorting to fraud, misrepresentation, or deceit during the application process for licensure or certification, while taking the examination for licensure or certification, while obtaining initial licensure or certification or renewal of licensure or certification.

(7) Conduct related to the licensee's relationship with the Board:

(b) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or during the course of an investigation or any other question asked by the Board.

OAR 851-045-0090 Mandatory Reporting Defined

(6) The following shall always be reported to the Board of Nursing:

(d) Arrest for or conviction of a crime which relates adversely to the practice of nursing or the ability to safely practice nursing;

OAR 851-052-0100 Disciplinary action on CRNA License

(1) The Board may deny, suspend or revoke the authority of a CRNA to administer anesthesia agents, including adjuvant drugs, for the causes identified in ORS 678.111 (1).

DATED this 1 day of October, 2009.

FOR THE BOARD OF NURSING OF THE STATE OF OREGON



LINDA FISHER-LEWIS
PROGRAM MANAGER

NOTICE OF HEARING RIGHTS AND EXHIBIT A ATTACHED